



CONSERVATION COMMISSION
70 EAST MAIN STREET
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NORTON TOWN CLERK

Monday, March 11, 2002
7:30 pm

Attendance

Bob Medeiros (Chairman), Jeff Houde,
Dana Rappaneau, Neil Linehan
Kathleen Giblin, Jennifer Carlino, Director

Julian Kadish (Vice-Chairman) & Ed Breault were absent.

Minutes

The members reviewed the draft minutes of **July 23, 2001**. Jeff Houde made a motion, seconded by Neil Linehan, to accept the minutes as written. Approved.

The members reviewed the Bills Payable Sheet. Jeff Houde made a motion, seconded by Dana Rappaneau, to pay the bills. Approved.

The members reviewed a Notice of Intent – **(#250-513) - Willow Crest Mobile Home Park/Bob Anderson – parcels 249 & 250 (assessors map 9) 27 Smith Street – (cont. from the 2/25/02 mtg.)** - for proposed plans to construct a concrete pad for a proposed mobile home within 100 feet of wetlands. Bob Medeiros stated that the file number for this project had come in. Jennifer Carlino stated that there were no comments from DEP. A resident asked if this was a new trailer park and Bob Medeiros replied that it was not. It is only one mobile home within the existing park. Jeff Houde made a motion, seconded by Dana Rappaneau, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Kathleen Giblin, to sign and issue the Order of Conditions as written. Approved.

The members reviewed a Notice of Intent – **(#250-512) - Robert Allard – Parcel 165 (assessors map 17) 16 Talbot Drive – (cont. from the 2/25/02 mtg.)** for proposed plans to construct a 24' x 26' garage to add to an existing house within 100 feet of wetlands. Bob Medeiros asked Jennifer Carlino if everything was in order and she replied that a file number had been received and there were no comments from DEP. Jennifer Carlino stated that there was encroachment into the replication area and it would be conditioned that the leaves will be removed. The minimum 25-foot no disturbance zone will be established toward the rear of the property. Dana Rappaneau made a motion, seconded by Neil Linehan, to close the public hearing. Approved. Jennifer Carlino stated that there was only one new condition added to the Order of Conditions. Jeff Houde made a motion, seconded by Neil Linehan, sign and issue the Order of Conditions with the one added condition. Approved.

Norton Conservation Commission
Monday, March 11, 2002
Minutes, page 2.

The members reviewed a Notice of Intent – **Shamrock Realty Trust – (#250-510) - parcel 33 (assessors map 21) Walker Street – (cont. from the January 14, 2002 & February 11, 2002 mtgs.)** - for proposed plans to fill wetlands and floodplain for a driveway and for construction of a dwelling, septic system and grading within the 100 foot buffer of a bordering vegetated wetland, 100-year floodplain and riverfront area. Bob Medeiros stated that the applicant had sent a letter requesting to continue their public hearing until Monday, April 8, 2002. The letter stated that the wetlands were going to be re-flagged by Carr Research Laboratories. Jeff Houde asked if the applicant would be ready by April 8, 2002 or not, stating that he does not like to continue continuing this project. Jennifer Carlino stated that the applicant requested to be on the agenda for the March 25, 2002 meeting, but she felt there would be no way that they would have all the necessary information by then. Jeff Houde made a motion, seconded by Neil Linehan to continue the public hearing until the regular meeting of April 8, 2002 at 7:40 pm. Approved.

The members reviewed a Modification to **File #250-293 – William Slattery – lots 3 & 4 (assessors map 31) Harvey Street** to modify existing road and one cranberry bog. William Slattery was present at the public hearing to explain the modification to the members. He stated he would like to move the road further from the intersection and new houses to avoid future complaints. He also would like to use sand from one bog at the rear for use on the completed bogs. The area where the sand is to be removed is already cleared. He would like to make it another reservoir instead of a bog. He explained that the sand would not be leaving the site. Curtis Buck of 51 West Hodges Street was present at the public hearing and said that the three bogs were behind his house. Bob Medeiros explained to Mr. Buck what the modification was. Mr. Buck pointed out a sleuce way that went into a brook on this site which was dry during the summer months but during the winter months flooded. Mr. Slattery stated that the sleuce way was already there. Mr. Buck asked if water drains out of this sleuce way and Mr. Slattery told him that no water drains out, but actually is retained in the bogs. Another abutter, Nancy Connolly of 47 West Hodges Street, asked the Commission to explain to her what the modification was and how this would affect her property. Dana Rappaneau explained to her that this modification would not affect her property in any way. Jeff Houde made a motion, seconded by Kathleen Giblin, to close the public hearing. Approved.

The members reviewed a request for an Extension permit for **File #250-293 – William Slattery – lots 3 & 4 (assessors map 31) Harvey Street**. Dana Rappaneau made a motion, seconded by Neil Linehan, to issue a 3-year Extension Permit to expire November 14, 2005. Approved.

The members reviewed a Request for a Determination of Applicability – **(DET. #766) William R. Cuming, Trustee, Norton Bird Garden Trust – Parcels 298, 278-17 & 278-18 (assessors map 9) Mansfield Avenue (Route 140)** – for verification of wetland boundaries. Present at the public hearing were Tom French, Project Manager for Daylor Consulting and Bob Ingram who is the Director of Wetland Services for Daylor Consulting. Mr. French described the location of the project to the members. He further explained this filing was to determine the wetland boundaries of the site. Mr. Ingram explained that in 1996 the Polaroid Corporation filed with Conservation and at that time these wetlands were noted even though they were not at that time jurisdictional under the Wetland Protection Act regulations. Since it has been quite awhile, the applicant wanted to have confirmation from the Conservation Commission that these areas were still not under Conservation jurisdiction. Jeff Houde

Norton Conservation Commission

Monday, March 11, 2002

Minutes, page 3.

asked Jennifer Carlino if anything had changed on this property. She replied that nothing has changed but had a couple of questions for Mr Ingram. She asked him where the drains were on the back part of the property. Bob Medeiros stated that there were no drains in that location as he has dug there in the past. Jennifer Carlino stated that there was a possible vernal pool in that location and if any work would be done in the future could they please not disturb this area. They replied that they would consider this. Jennifer Carlino stated that the applicant had checked "Area" on their request, and should consider checking "boundaries". There seemed to be some buffer zone to wetlands on the adjacent property, then a positive Determination could be issued classifying the isolated wetlands as jurisdictional. The applicant did make the change on the request. Jeff Houde made a motion, seconded by Neil Linehan, to close the public hearing. Approved. Jeff Houde made a motion, seconded by Kathleen Giblin, to issue a positive Determination (+2). Approved.

The members reviewed a Notice of Intent – **Duane German – Parcels 80 & 80-02 (assessors map 26) West Main Street (Camp Finberg)** – for proposed plans to construct a pool/bathhouse complex at Camp Finberg and install utilities below an existing gravel driveway within 100 feet of wetlands and within 200 feet of Wading River. Duane German, Executive Director for the YMCA of Attleboro and Gene Bolinger of Weston & Sampson were present at the public hearing to explain the project to the Commission members. Mr. Bolinger explained that the most of the work would take place in the Southern portion of the property. He further stated that the existing gravel driveway into the lodge was approximately 1300 to 1400 feet. He said they proposed to run utilities below the existing gravel driveway to include a six-inch water main to service the bathhouse and pool. Electric conduit for underground electric service was also proposed for future use. He pointed out that around the lodge was proposed a six-lane pool, dirt and concrete deck and bathhouse. The existing lodge is about 1600 sq. ft. in size. He further stated that the property contained an extensive amount of wetlands. Towards the Southwest area is the Wading River which runs about 3,000 linear feet forming the western property line of the Attleboro YMCA's Camp Finberg's property. He pointed out several other wetland areas and buffer zones on the submitted plans and noted that they had indicated in square footage on the Notice of Intent the approximate areas that would be disturbed. He again mentioned that the vast majority of the work within the buffer zone was the utilities. Work involving the pool, deck and bathhouse consisted of approximately 5600 sq. ft. within the buffer zone. The area of work involving the access drive into the bathhouse pool complex consisted of approximately 27,000 sq. ft. An area of 21,200 sq. ft. would be within the floodzone and 1300 sq. ft. within a riverfront area. Mr. Bolinger submitted a response letter to Jennifer Carlino's letter noting the different issues. Number 1 stated the plans were unsigned by the engineer. He then submitted 2 revised sets of plans that were signed and stamped by a professional engineer and pointed out a couple of minor revisions. Number 2 was asking how the highwater mark was determined. He explained it was determined by the topographic maps and not in the field. Jennifer Carlino stated that after doing an inspection of the property, she did not think that the highwater mark coincided with what was shown on the submitted plans. It was her estimation that the mean annual high water mark was actually 20 to 30 feet from the edge of the wetlands. Jeff Houde asked Mr. Ingram how the runoff would be protected during the construction of digging for the underground utility lines. Mr. Bolinger explained silt fence and haybales would be installed. Jeff Houde asked if the roadway was going to be blacktopped. Mr. Bolinger said it would be kept as a gravel road. He further explained filling of a rut or two would take place during construction. Jennifer Carlino asked if the elevation would be any greater than the existing elevation and he explained that it would not be. Neil Linehan stated that a lot of the roadway was underwater during previous years after a rainstorm. Dana Rappaneau mentioned that this is usual of this area because it is

Norton Conservation Commission
Monday, March 11, 2002
Minutes, page 4.

in the floodplain. Mr. Bolinger stated that access to the camp is usually late June, July and August and is typically not flooded at this time. Mr. Bolinger pointed out that because they no longer allow swimming in the Wading River, the whole purpose of this project is to build a pool but they need a better way to get there. Bob Medeiros asked if the Stormwater Management Report was done and Mr. Bolinger stated that it was but he had modified it slightly and attached the updated page 2 of 5 to the revised plans. Bob Medeiros asked Mr. Bolinger if the two culverts on the existing road were going to be altered and he replied that they would not be. Jennifer Carlino explained that the conditions for this project were not drafted as yet. She also asked if boardwalks were proposed for the couple of trails that were cut through the wetlands. He replied that nothing for the trails were proposed for the near future. She then stated that the trails would have to be blocked until permits were issued to construct boardwalks. Neil Linehan asked Mr. Bolinger if it would be less expensive to do a bedrock well rather than the extensive excavation for the waterline. Mr. Bolinger stated that this was considered but would not be adequate for this project. The Director asked Mr. Bolinger if he had received a DEP File number for this project. He stated that he had. Jeff Houde asked why a six-inch water line was necessary and Mr. Bolinger stated that it was for fire protection. Jeff Houde made a motion, seconded by Dana Rappaneau, to close the public hearing. Approved. Bob Medeiros stated that the conditions would be written and issued as soon as the revised plans were reviewed by the Director and that Mr. Ingram would be notified when the Order of Conditions were accepted and signed by the Commission.

The members reviewed a Notice of Intent – **K.G.M. Custom Homes, Inc. – Parcels 103 & 103-02 (assessors map 26) South Worcester Street** – for proposed comprehensive permit plans to construct a residential subdivision, roadway, grading and stormwater management areas, portions of which occur within Bordering Land Subject to Flooding, Wading River riverfront area and the 100-foot buffer zone of a bordering vegetated wetland. Deborah Burgess, an abutter, was present at the public hearing, and began speaking before the Chairman addressed her, and stated to the members that since the abutters did not have sufficient time to review the plans, the public hearing should be postponed to a later date. She further stated that the report from Wildlife Habitat should have arrived before March 11, 2002 and it still has not arrived. Bob Medeiros stated that the public hearing would continue as scheduled. He further announced that the order of events for this hearing would be that the applicant will present this project, the Commission members will ask questions and then the abutters, one at a time, will have a chance to ask questions, after stating their names and addresses for the record. Bob Medeiros continued to say that only issues pertaining to Conservation, the wetlands and Mass Wetlands Protection Act would be allowed at this public hearing. He then passed around an attendance sheet to be signed by everyone at the public hearing. Deborah Burgess asked Bob Medeiros to speak louder. Megan Raymond, Ecologist for LEC Environmental, represented the applicant at the public hearing to explain the project to the members. Sid Beaman, Project Engineer for Ribelin Land Surveyors, Inc. and the Engineer who prepared the submitted plans for this project, was also present at the public hearing with Ms. Raymond. Ms. Raymond was pointing out to the members the proposed project on the plans and Jeff Houde asked her for a set of the submitted plans. She further stated that the proposed activities would take place within the jurisdictional buffer zone, bordering land subject to flooding and within the riverfront of Wading River. She continued to point out the location of the proposed streets of this proposed subdivision and their relation to the various wetland areas. She explained that, with the exception of one vegetated drainage swale, the majority of the drainage of the property would flow to a detention basin in the northeastern corner of the property. Located at the end of the cul-de-sac 200 feet to the south, would be two deep sump catch basins which would discharge into a vegetated swale accommodating drainage in that area. Bob Medeiros asked if this vegetated

Norton Conservation Commission

Monday, March 11, 2002

Minutes, page 5.

swale was profiled on the plans, and Ms. Raymond said that it was not. **(at this point, approximately 1 side and 1/3 of a side of the next tape becomes too slow to understand and then too fast to understand. Tape begins.)** Bob Medeiros states that the Commission has a right to review this project under the Mass Wetland Protection Act. He then states that this project is going to take quite a bit of time to review, but, in fact, if the applicant complies with all the necessary rules and regulations of the Mass Wetland Protection Act, the board has no choice except to allow the project. Deborah Burgess stated to Bob Medeiros that the Conservation Commission did not have to grant waivers to applicants. Bob Medeiros stated that the board has never granted a waiver to anyone. Dana Rappaneau agreed with Bob Medeiros and also stated he, nor has any member of the board, has never granted a waiver. Jennifer Carlino stated that if the applicant meets all the performance standards, then they meet the Mass Wetland Protection Act. Deborah Burgess, an abutter, stated that many wetland plants were growing on her property, and if she stopped mowing them they would go into a wetland. She also stated that her house was built in 1905 and probably it should not have been allowed to be built because of the wetlands. She further stated that two wrongs do not make a right. Bob Medeiros asked Mrs. Burgess to stick to wetland issues. Deborah Burgess stated that there were quite a bit of wetlands on South Worcester Street in areas she was pointing out on the plans and could not understand why the engineer had not drawn them. Bob Medeiros asked Mrs. Burgess if she had a botanist out to this site. She replied that she had and that he had delineated wetlands in areas not depicted on the submitted plans for this project. She stated that the areas shown as "uplands" were not uplands and probably wet meadows. Deborah Burgess stated that after looking through the files for this project, there were some documents that she had not seen and also that she was unaware of conversations that had taken place between Megan Raymond and Jennifer Carlino. Jennifer Carlino stated that all documents were kept in the file for review. Deborah Burgess stated that she had come up to the Conservation Office to speak with Jennifer Carlino several times and Jennifer had spent only one hour reviewing the Wetland Protection Act with her and not anything specific to this project. Jennifer Carlino stated that she had spent at least four hours reviewing this project with Deborah Burgess. Deborah Burgess asked what the Commission intended to do about the Cease and Desist Order against Mr. Prosky, the owner of this property. Bob Medeiros stated that the Commission has not had a chance to review the plans yet. Dana Rappaneau told Ms. Burgess that the Commission is required to make sure all applicants comply to the rules and regulations of the Mass Wetlands Protection Act before they are issued any permits. He further stated that if a project is denied by the Conservation Commission, the applicant may appeal this decision with the state (DEP) and the state may then issue a Superceding Order of Conditions. Deborah Burgess stated that decisions cannot be made just by reviewing plans, but going out to the site and doing a site inspection. She further stated that there were "Phases 1, 2 & 3" mentioned in this project, but nothing was listed separately for each Phase. The Commission stated that this was the first time they saw these plans and requested more information from the applicant. Deborah Burgess asked why the members do not review plans before a public meeting. Dana Rappaneau suggested that it would be illegal to review and comment on submitted plans before the public hearing. Bob Medeiros stated that it is better to review the plans before the applicant/representative so that the applicant/representative could reply to any questions asked or comments made by the Commission. Deborah Burgess asked what the Commission was going to do about her requests. Bob Davis, Technical Advisor of the Taunton River Watershed Alliance, clarified her statement to the Commission and stated she was referring to two separate issues. 1. Red maple trees that had been cut within the bordering vegetated wetlands and 2. They did not agree with the wetland delineations on the submitted plans, but offered no further evidence that the

Norton Conservation Commission

Monday, March 11, 2002

Minutes, page 6.

boundaries were wrong. He further stated that there are drainage ways, maybe perennial and maybe intermittent, that are not shown on the plans. He said that he felt that the applicant was pushing their design to the limit of the law and that may be destroying all of the buffer zone therefore impacting the habitat of the spotted turtle. Another issue Bob Davis brought up for discussion was that the applicant was putting in a road to lead to the proposed housing over property that he believed was historically considered wetlands. He further stated that the wetlands are probably hydraulically connected through this road. Richard Ekstrand of 21 Spring Lane was present at the public hearing and explained that he lived directly across from the proposed project, across the Wading River. He said that he had missed the previous meeting which was probably the Zoning Board of Appeals meeting in regards to Strawberry Fields and must have missed quite a bit of information. He said that he basically wanted to see exactly where the proposed housing was going to go on a plan and also what other Commissions were available to address other types of concerns other than wetland issues. He further stated that, after looking at the wetland line on the submitted plans, he believed that the wetland boundaries were inaccurate because he can see water. He also stated that he lived approximately 18 to 20 feet from the Wading River and when the Wading river rises on the other side, it crests and covers over at least 150 feet of property. In his opinion he stated that to build houses, as with this project, would be a mistake. He also stated that over the last few months a lot of trees had been cut at different times on this property. Bob Medeiros stated that it was the owner of the property who was cutting the trees. Deborah Burgess then replied that K.G.M. had paid Mr. Prosky \$15,000. Dana Rappaneau stated that if a Cease & Desist were to be issued it would be issued to Mr. Prosky. Bob Medeiros announced that an inspection would be done on-site as soon as possible. Dana Rappaneau asked Jennifer Carlino when she would like to do the inspection and if she would like him or any of the members, to go with her. Bob Medeiros stated to Deborah Burgess that the Commission has the right to go onto the property but abutters or anyone else would need the property owner's permission. Dana Rappaneau stated that no decisions were being made by the Commission, but they wanted to go out to the site to see what was going on. Bob Medeiros told Deborah Burgess that as long as she or anyone else has permission to go onto this property, they were welcome to join them. Glenn Barker of 130 So. Worcester Street had a question for the Commission. A resident asked the board how a project could continue if there was a possibility of the wetland boundaries being wrong on the plans. Bob Medeiros stated that the applicant had a botanist flag the wetlands and the agent, Jennifer Carlino went out and checked the flags and agreed that they were ok. Jennifer Carlino stated that she has not finished checking the flags. Bob Medeiros was asked if the Commission could hire a botanist to flag or check the flags on this site. Jennifer Carlino said that the Commission has Wetland Protection funds to use. Bob Davis stated the Zoning Board of Appeals had hired an engineer to do some research for this project and that maybe the Conservation Commission could contact the Zoning Board of Appeals to have them hire a botanist since they have the ability to do so in some cases. Jennifer Carlino said Commission members could look at it with her first and if they wanted to pursue asking the Zoning Board of Appeals to hire a consultant they could. Bob Medeiros told Deborah Burgess that it would be quite possible that the Zoning Board of Appeals could deny this project and the Conservation Commission could approve it. Also, the Zoning Board of Appeals could approve the project and the Conservation Commission could deny it. He then stated that the applicant could then go to the state. Deborah Burgess stated that at the first meeting of the Zoning Board of Appeals the Attorney for the developer of this project, stated at least three times that if the project is denied he will go to Boston before the Housing Board of Appeals. She said that there is a back log of at least twenty-eight cases at the state level and that this one would not make any difference. She said the Commission should not be giving variances to applicants and that enough favors have been given to builders and it was about

Norton Conservation Commission
Monday, March 11, 2002
Minutes, page 7.

time that favors were given to the taxpayers. Bob Medeiros said that the Commission does not give variances. Neil Linehan spoke up and described two previous projects that the Conservation Commission denied that were appealed to the state by the applicant and then approved. Bob Medeiros said that most often when the applicant appeals a decision with the state, the state issues a Superceding Order of Conditions with few, if any, of the original conditions that would have been included with the Notice of Intent filed with the Conservation Commission. Deborah Burgess stated that it was about time that the Town took a stand against policies like this that have been in practice for years. She continued saying there were not enough schools, firefighters and police for a large residential growth. Bob Medeiros told Deborah Burgess to stick to the wetland issues. She said that developers have been allowed to build in the wetlands and Bob Medeiros said that it is the builders right to build within buffer zones with a permit. Mr. Davis said that unfortunately the buffer zone is to protect the wetlands and local Conservation Commissions try to make the best deals they can within the buffer zones and that the state has become too soft in allowing projects that Towns have denied. Jeff Houde said that if building within the buffer zone was not allowed with a permit, there would be only about one-quarter of the Conservation Commission meetings that we have been held. Mr. Davis suggested that maybe Norton has to develop a by-law to protect the wetlands. Ms. Mary (Boragan ????) asked the Commission what their options are (as opponents to this project) if Conservation denies and the Zoning Board of Appeals approves this project or even if both boards deny this project and the applicant appeals to the state. She asked what could be done if the state allows the project. Bob Medeiros stated that it could be appealed but would not be under local jurisdiction after that point. Deborah Burgess said she wanted to discuss floodplain. She said about thirty years ago there were floods in the area of the Chartley Methodist Church on South Worcester Street in Norton and water had come up from the river and across the parking lot and the front stairs of the church were like a water fall. She further stated that according the Wetland Protection Act, floodplain did not necessarily pertain to riverfront areas but also pertians to standing areas of water that perpetually gathers in one area. She says that describes her field very acurately. Jennifer Carlino stated that in order for an area to be considered floodplain that is not depicted on the F.E.M.A. maps, an engineer would have to do certain calculations in order to label the parcel as floodplain. Jeff Houde made a motion, seconded by Dana Rappaneau, to continue the meeting until Monday, April 8, 2002 at 8:00 pm.

Other Business

Old Business – Signing of the deed for the donated land on **Anna Way**. Jennifer Carlino stated that the property is on map 21, parcel 218 and approximately 5 acres. She said that the Tax Collector stated that the taxes were paid to date. The members reviewed the plan of the property. Jeff Houde made a motion, seconded by Neil Linehan, to accept the parcel and sign the deed. Approved. Jennifer Carlino stated that she would send a letter to the Board of Selectmen to have them sign the deed and then to forward the deed to Town Counsel for recording.

Jennifer Carlino said she had received a call from the Police Chief in regards to ATV's on Johnson Acres. He asked if the Commission had ever voted on whether or not ATV's could be used on that site. She further stated that motorized vehicle use was not allowed on Conser-vation property. She stated that she had notified Police Chief Bruce Finch that the Environmental Police would be handling the situation if he had any questions.

Norton Conservation Commission
Monday, March 11, 2002
Minutes, page 8.

Jeff Houde asked the Director about "Proposed Drought Conditions". Jennifer Carlino stated that she had reviewed the information and the hearing was to be held tomorrow at the DEP in Lakeville. She mentioned that if anyone wanted to go that they were welcome. She also mentioned that she had sent a letter to DEP because they were basing parts of the regulation revisions on Stream Stats. Norton and other towns still are unable to use it. None of the centerline data for any of the rivers in the Taunton River basin have been completed. She asked that they send information on how to calculate the 99% flow rate in the regulations for towns that cannot use this program. She further stated that the Taunton Watershed basin is the largest in the state.

Jennifer Carlino stated that she had attended a meeting with Mass Highway and DEP regarding their appeal. Bob Medeiros was also at the meeting. She stated that she finally received a copy of the letter sent to Chris Ross of DEP from Mass Highway noting the conditions that they had a problem with and stated that a copy of this letter was enclosed with the agenda for this meeting. She asked the members if they had any comments pertaining to this matter. She further stated that she would be receiving a draft copy of the superceding Order of Conditions from DEP and that would probably be a better time to make any comments. The members agreed.

Jennifer Carlino stated that the Purchase and Sales Agreement (P & S) for Lincoln Woods had to be signed. This purchase was contingent on the outcome of the upcoming Town Meeting and the state grant. She mentioned that the grant was all set. Jeff Houde made a motion, seconded by Dana Rappaneau, to sign the P & S for Lincoln Woods. Approved.

Jeff Houde asked the Director if Baystate Environmental Consultants were doing the core testing at the Norton Reservoir. She replied that they had finished today and were storing the cores on town property.

Jennifer Carlino stated that she received a complaint that someone had climbed over a fence on Middlesex Street in the Potters Circle Subdivision onto their property and cut down a few trees. She said that she sent a letter to the person that was suspected of doing this and asked that they cease these activities immediately. She said that she wanted to point this out to the members so that this incident should not affect the developer of this property. His conditions stated that no clearing or cutting of trees would be allowed near the pond, but he didn't do the cutting.

Discussion ensued regarding **File #250-412 – East Hodges Street** cranberry bog – **Joseph P. DiFiore, Jr., Trustee of Key Realty Trust**. Jennifer Carlino stated that a complaint had been received last week for work being done over the weekend on this site. After doing a site inspection she stated that there was a bulldozer and an excavator on the property and that quite a bit of the site had been regraded. She further stated that the owner was just leaving as she drove in to the site and said he was getting ready to plant the tree farm. She said this did not coincide with his plans. She pointed out that on December 15, 2000 a Cease & Desist letter was sent with no response and again on February 22, 2001 with no response. A short time later the owner came in to the office to request an extension permit for this project. She said the board had denied the request do to the fact he did not respond to either of the Cease & Desist letters. A Sequency Plan has not been received to date. She pointed out that the owner's Attorney had been in several times and that the publication fee for the legal notice still has not been paid for this applicant's other project at 30 East Hodges Street. She stated that a positive Determination of Applicability had been issued for this project and a Notice of Intent would have to be

Norton Conservation Commission

Monday, March 11, 2002

Minutes, page 9.

filed for any work in the future. She said that the Conservation Commission may have to pay this legal notice publication fee and get reimbursed by the owner later. Dana Rappaneau asked the Director if she was planning to send another Cease & Desist letter and she replied that she would be issuing an Enforcement Order to be recorded on the deed for this property. Jeff Houde made a motion, seconded by Dana Rappaneau, to sign the Enforcement Order. Approved. Neil Linehan asked Jennifer Carlino if she thought it would be a better idea to have the local police deliver the Cease & Desist notices. She did not agree and it would be sent by certified mail.

Discussion ensued regarding the Conservation Commission budget. Bob Medeiros stated that a letter had been received by the Town Manager stating that \$2500 for the weed harvester maintenance and \$175 for maintenance of office equipment was going to be cut from the budget. Jeff Houde asked if the money was used for the weed harvester last year. Jennifer Carlino said that it was not, but if in the future money was needed for the weed harvester, money would have to be transferred from the Reserve Fund.

Discussion ensued regarding the payment of the fee for the publication of the legal notices in the Sun Chronicle for each project. Jennifer Carlino stated that the secretary spends a lot of time on the telephone tracking down applicants to have them pay the fees. It was decided to have the applicant pay, or give a check to pay for, the legal notice before the permits are issued.

Jennifer Carlino mentioned that she has been receiving a lot of plans from engineers that are not signed or stamped or both and sends them back. The members agreed that they should be sent back if they are not stamped or signed. Dana Rappaneau stated that the homeowner should be allowed to bring in a drawing of their project without involving an engineer. Jennifer Carlino stated that as long as an engineered plan was not required this would be ok, but if an engineered plan was required, it would have to be stamped and signed by the engineer or it would not be accepted.

The Director stated that Pare Engineering was going to do an inspection of the Chartley Pond dam and needed 2 boards. Dana explained that the boards would have to be made on site but thought, for the short period of time the boards were needed, boards measuring 2' x 6' would be ok.

Respectfully Submitted,



Jennifer Carlino
Conservation Director

JC/pmb